THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.25940 OF 1996

Dated 17th February 2006

Between:

K.Nagi Reddy S/o.Ramappa

…Petitioner

And

The Mandal Revenue Officer, C.K.Palli Mandal,

Anantapur District & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioner was assigned an extent of Ac.4-98 cents of land, in Sy.No.611/2 of Puletipalli village of Anantapur District, vide proceedings dated 5.12.1985, by the then Tahasildar. He was issued a show-cause notice on 23.10.1988, by the Joint Collector, Anantapur, the second respondent herein, directing him to explain as to why the assignment in his favour, shall not be cancelled. It was alleged that the petitioner was not eligible to be assigned the land. Petitioner submitted an explanation on 9.10.1988. Through proceedings dated 18.10.1988, the second respondent cancelled the patta. Petitioner preferred an appeal before the third respondent. The appeal was rejected on 10.9.1996. Hence, this writ petition.

Petitioner contends that respondents proceeded on the assumption that he was assigned the land in Sy.No.401/8, before the land in S.No.611/2 was assigned. He contends that he was not assigned any land, except the one in Sy.No.611/2.

In the counter affidavit filed on behalf of the respondents, it is stated that an elaborate enquiry was conducted, before canceling the patta in favour of the petitioner. It is alleged that the land in Sy.No.401/8, was assigned to the petitioner, and concealing the said fact, he applied for assignment of land in Sy.No.611/2.

Learned counsel for the petitioner submits that respondents 2 and 3 did not even care to verify, whether the persons, who are assigned the land in two survey numbers, referred to above, are one and the same. He contends that even a bare perusal of the names discloses that they are two different persons, and the impugned orders were passed, in an arbitrary manner.

Learned Government Pleader for Assignments, on the other hand, submits that though there is apparent difference in the names of the assignees of land in Sy.No.401/8 and 611/2, in the ultimate analysis, it is the petitioner, who is beneficiary of both the pieces of the land.

It is a matter of record that the petitioner was assigned an extent of Ac.4-88 cents of land in Sy.No.611/2, by the Tahasildar, Dharmavaram, on 5.12.1985. The land in Sy.No.401/8, admeasuring Ac.3-30 cents, was assigned in favour of one Kotla Ramappagari Venkatramudu, way back on 6.7.1958. The name of the petitioner is Kotla Ramappagari Nagi Reddy. His age was about 3 or 4 years by 1958. Second respondent initiated proceedings, against the petitioner, for cancellation of patta of land in Sy.No.611/2, on the ground that he was already assigned the land in Sy.No.401/8.

Show-cause notice was issued to the petitioner, alleging that he was assigned land in Sy.No.401/8, on an earlier occasion. In his explanation, the petitioner flatly denied of any earlier assignment. In the impugned order passed by the second respondent, it is observed as under:

> “After hearing the assignee and villagers of Pulatipalli village as well as perusal of the records and the report of the Special team, it has been established that Sri Kotta Ramappagari Venkatramudu, assignee of the land, is cultivating the land assigned to him. Sri Kotta Ramappagari Venkatramudu is not eligible for assignment as he was already assigned the land in Sy.No.401/8.”

There cannot be any quarrel with this finding, if the action was against

Venkatramudu. However, the above said finding was treated as the one, against the petitioner herein.

The reasoning adopted by the appellate authority is somewhat interesting. The third respondent observed as under:

> "It is also very clear that the appellant herein Kotla Ramappagari Nagi Reddy is no other person than Kotla Ramappagari Venkata Ramudu. This is clear from the fact that though the show-cause notice was issued in the name of Kotla Ramappagari Venkata Ramudu, the appellant has received the show-cause notice on 23.9.1988 and has signed on the served copy of the notice as "V.Nagi Reddy", without putting any date below it."

When the petitioner repeated before all the authorities, that he is not the one who was assigned the land in S.No.401/8, the respondents were under obligation to verify the facts closely. Basically, there is no similarity, or comparison, between the assignees of the two lands in separate survey numbers, except that the sur name is the same. Even assuming that there is any possibility for both the names being similar, the easiest thing for the respondents would have been, to refer to the father's name. Further, there was a difference of about 30 years, between the two assignments. The respondents could have verified the date of birth of the petitioner and seen whether he was of such age, as could have been assigned any land.

The valuable rights of the petitioner that accrued to him, on the basis of assignment, must not have been taken away in such a casual manner.

Hence, the writ petition is allowed, and the impugned orders are set aside. It is, however, made clear that the petitioner shall not have any right, claim, or interest, in the land in Sy.No.401/8. There shall be no order as to costs.

17th February 2006

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